THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 19625 of 1996

DATED: 12-12-2006

Between:

T.Sudhakar.

…Petitioner

and

The Tobacco Board, (Govt. of India, Ministry of Commerce), represented by its Chairman, Srinivas Rao Thota and another

…Respondents.

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.No.19625 of 1996

Order:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Manager (Finance and Accounts) as arbitrary, illegal; and consequently to direct the respondents to consider the case of the petitioner for the post of Manager (F&A) in the 1st respondent-Board in the Departmental Promotion Committee to be held on 19-9-1996 by promoting the petitioner to the said post or in the alternative direct the respondents to promote the petitioner to the post of Auction Superintendent with retrospective effect from 11-11-1990.

It appears, the petitioner joined as an Assistant Manager (Export promotion) in the 1st respondent-Board. The next promotional post is Auction Superintendent/Manager (F&A) for which the feeder category is Assistant Manager (Export Promotion) and also Assistant Manager (F&A). However, when the Rules were amended, inadvertently, the Assistant Manager (Export Promotion) as a feeder category for promotion to Auction Superintendent/Manager (F&A) was omitted. Thereafter though thrice the Departmental Promotion Committee met, it could not proceed further in view of the fact that the petitioner was senior most among the Assistant Managers and the Assistant Manager (Export promotion) was not included in the amended Rules. In fact, the Board has promised that the mistake that occurred while amending the Rules would be corrected soon. However, in the meanwhile, a post of

Manager (F&A) arose and the Departmental Promotion Committee was to be held on 19-9-1996. At that time, the petitioner was informed that his case cannot be considered, since the post sought to be filled is the Manager (F&A) and only the Assistant Managers in the cadre of Finance and Accounts would be considered for that post and further the Rules which were amended earlier stood corrected including the Assistant Manager (Export promotion) also as one of the feeder post for promotion to the post of Auction Superintendent. Therefore, the case of the petitioner was not considered. Under those circumstances, the petitioner filed the present writ petition.

There is no information as to what happened thereafter. No counter is filed and whether the petitioner is promoted to the post of Auction Superintendent or not is not known. If the petitioner is already promoted to the post of Auction Superintendent in the meanwhile, the respondents may also consider the promotion of the petitioner with retrospective effect from 11-11-1990, the date on which the first meeting of the Departmental Promotion Committee was held, by giving exemption notionally if the same is feasible as per the Rules.

With the above observations, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

12-12-2006.
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